

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) PRE-MUR 434  
Bank of America Corporation; Kathleen )  
Cannon; Alec Reinstadtler; Edward )  
Kalush; Jan C. Brown; Wayne Roltzen; )  
Christian R. Baehr; Don Mills; Gemma )  
Boykin; Robert Rubio )

CERTIFICATION

I, Darlene Harris, recording secretary of the Federal Election Commission executive session, do hereby certify that on October 17, 2006, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 3-3 to pass a motion to:

Find reason to believe that Alec Reinstadtler, Edward Kalush, Jan C. Brown, Wayne Roltzen, Christian Baehr, Don Mills, and Gemma Boykin violated 2 U.S.C. § 441f.

Commissioners Lenhard, Walther, and Weintraub voted affirmatively for the motion. Commissioners Mason, Toner, and von Spakovsky dissented.

2. Decided by a vote of 6-0 to:

MUR # 5849

- a) Open a MUR.
- b) Find reason to believe that Kathleen Cannon knowingly and willfully violated 2 U.S.C. §§ 441b(a) and 441f.
- c) Find reason to believe that Robert Rubio knowingly and willfully violated 2 U.S.C. § 441f.
- d) Find reason to believe that Bank of America Corporation violated 2 U.S.C. §§ 441b(a) and 441f.
- e) Approve the Factual and Legal Analyses, as recommended in the General Counsel's Report dated October 2, 2006.

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f) \_\_\_\_\_

g) Approve the appropriate letters.

Commissioners Lenhard, Mason, Toner, von Spakovsky, Walther, and  
Weintraub voted affirmatively for the decision.

Attest:

October 18, 2006  
Date

Darlene Harris  
Darlene Harris  
Deputy Secretary of the Commission

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